



Ukraine

International Religious Freedom Report 2008

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The Constitution and the law on freedom of conscience provide for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report. Local officials at times took sides in disputes between religious organizations, and property restitution problems remained; however, the Government continued to facilitate the return of some communal properties.

There were instances of societal abuse and discrimination based on religious affiliation, belief, or practice, including cases of anti-Semitism and anti-Islamism. Various religious organizations continued their work to draw the Government's attention to their issues, resolve differences between various denominations, and discuss relevant legislation.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights and raise concerns about anti-Semitism. U.S. embassy representatives also raised concerns about anti-Semitism with local officials and promoted ethnic and religious tolerance through public outreach events.

Section I. Religious Demography

The country has an area of 233,000 square miles and a population of 46.3 million. The Government estimated that there are 33,000 religious organizations representing 55 denominations in the country.

According to official government sources, Orthodox Christian organizations make up 52 percent of the country's religious groups. The largest such group is the Ukrainian Orthodox Church (Moscow Patriarchate) (abbreviated as UOC-MP), with significant presence in all regions of the country except for the Ivano-Frankivsk, Lviv, and Ternopil Oblasts. The UOC-MP refers to itself, and is officially registered as, the Ukrainian Orthodox Church. The second largest Orthodox group is the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP), with most followers located in western and some central oblasts. The UOC-KP is not recognized by the UOC-MP. The smallest of the three Orthodox churches is the Ukrainian Autocephalous Orthodox Church (UAOC), with approximately 70 percent of its adherents in the western part of the country.

Adherents of the Ukrainian Greek Catholic Church (UGCC) constitute the country's second largest group, and the largest one in the western part of the country. UGCC members number approximately four million. In the eight western oblasts, the UGCC communities constitute a majority only in the Lviv, Ivano-Frankivsk, and Ternopil Oblasts, while members of the three Orthodox churches comprise a majority of believers in the western part of the country overall.

Some Muslim leaders estimated that there are 2 million Muslims in the country, although estimates by the Government and independent think tanks put the number at 500,000. The majority are Crimean Tatars, numbering an estimated 300,000 and constituting the third-largest ethnic group in Crimea. The Crimean Tatars have their own governing council (Crimean Tatar Mejlis) and language (Crimean Tatar). Crimea's majority ethnic Russian population is predominantly affiliated with the UOC-MP.

The Roman Catholic Church, with approximately one million adherents, is traditionally associated with historical pockets of citizens of Polish ancestry, who live mainly in the central and western regions.

Groups that constitute less than 5 percent of the population include followers of the Evangelical Baptist Union of Ukraine, Jews, Anglicans, Calvinists, Jehovah's Witnesses, Lutherans, Methodists, Mormons (members of the Church of Jesus Christ of Latter-day Saints), Pentecostals, Presbyterians, Seventh-day Adventists, Buddhists, and adherents of Krishna Consciousness.

Based on a 2001 census, the State Committee of Statistics estimated that there are 103,600 persons of ethnic Jewish origin in the country. Some Jewish community leaders, however, estimated that 170,000 citizens were born to a Jewish mother and as many as 370,000 are eligible to immigrate to Israel because of their Jewish heritage.

A 2007 survey by the independent think tank Razumkov Center found that 40 percent of respondents consider themselves believers not belonging to any denomination, while 36.5 percent consider themselves believers of a particular religious organization. Of the latter group, 33 percent affiliate themselves with the UOC-KP, 31 percent with the UOC-MP, 18 percent with the UGCC, and 2.5 percent with the UAOC. Less than 5 percent of those surveyed declare themselves Roman Catholics, Protestants, Muslims, or Jews.

According to the 2007 survey, of those who considered themselves believers of a particular religious group, 33.5 percent said they attend religious services 1-2 times per year; 23 percent once in several months; 14.4 percent 1-3 times per month; 8.8 percent once per week; 2 percent several times per week; 6.4 percent once in several years; and 9.3 percent almost never. The survey also showed that almost 90 percent of religiously active citizens are Christians, the majority Orthodox, and that religious practice is generally strongest in the western part of the country.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution and the law on freedom of conscience contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

There is no formal state religion; however, in certain regions of the country smaller religious groups complained of unequal treatment by local authorities. In some areas of the center and south, Roman Catholics, UGCC members, and Muslims made such complaints by the. Conversely, in some western regions, local authorities at times were reluctant to address concerns of the UOC-MP.

The UOC-MP and major Protestant denominations expressed concern over President Yushchenko's continued efforts to encourage the UOC-MP and UOC-KP to overcome the differences between the two largest Orthodox communities. They believed unification to be a matter better resolved by the churches themselves.

The Government observes numerous religious holidays, including Christmas, Easter Monday, and Holy Trinity Day, all according to the Julian calendar shared by the Orthodox churches and the Greek Catholics.

The law allows alternative nonmilitary service for conscientious objectors and bans the creation of religious organizations in military institutions and military units.

The law requires religious groups to register either as a local or a national organization and to have at least 10 adult members to obtain the status of a "juridical entity." Registration is necessary to conduct many business activities, including publishing, banking, and property transactions. By law the registration process should take 1 month, or 3 months if the Government requests an expert opinion on the group's legitimacy. Registration denials may be appealed in court. The Law on the Freedom of Conscience and Religious Organizations and the Law on the State Registration of Legal Entities and Private Individuals contain contradictory provisions complicating registration of religious organizations. Despite repeated calls by the All-Ukraine Council of Churches and Religious Organizations and nongovernmental organizations (NGOs), Parliament had not

resolved the matter at the end of the period covered by this report.

The State Committee on Nationalities and Religions (SCNR) administers the registration process. Representatives from several denominations were concerned that the restructuring of the SCNR in 2006 would negatively affect the committee's work, but some acknowledged that the reorganized committee needed more time under its new chairman, appointed in December 2007, to prove its effectiveness.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other noncitizen representatives of foreign-based religious organizations; however, there were no reports that the Government used the law to limit the activity of such religious organizations. Religious worker visas require invitations from registered religious organizations in the country and government approval. Foreign religious workers may preach, administer religious ordinances, or practice other religious activities "only in those religious organizations that invited them to the country and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." According to the Government, no visa applications by foreign religious workers were rejected during the period covered by this report. Mormon leaders believed that the law is poorly written in regard to missionary work, and they experienced problems with regional officials limiting where missionaries can carry out their activities.

By law religion cannot be part of the public school curriculum. Members of the All-Ukraine Council of Churches and Religious Organizations continued to support amending the law to allow for private educational institutions, where in addition to secular curriculum, students would be brought up according to the religious values of the founding religious organization. In June 2008 the Ministry of Science and Education expressed its support for the initiative. The Ministry and religious representatives agreed to hold additional consultations to determine the procedure to implement the initiative.

There were few tangible results from the 2005 presidential decree to introduce "ethics of faith" training courses into public school curriculums. The decree had the support of the country's four top Christian clergymen, but nationwide implementation was initially haphazard and was further delayed because of concerns raised by Jewish and Muslim leaders that training courses were based on Christian teachings. According to the SCNR, plans were in place to implement ethics training based on an interconfessional approach.

According to the law, registered religious organizations maintain a privileged status as the only organizations permitted to seek restitution of communal property confiscated by the Soviet regime. Communities must apply to regional authorities for property restitution. While consideration of a restitution claim should be completed within a month, it frequently takes much longer.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

The Spiritual Directorate of Muslims of Ukraine reported some difficulties with registering new religious communities in Crimea due to what it considered the political bias of some local authorities.

Mejlis members and Crimea-based human rights groups continued to criticize the Crimean government for permitting schools to use textbooks that contained inflammatory and historically inaccurate material about Tatar Muslims despite government promises to address their concerns. Human rights activists specifically noted that a common textbook for fifth-grade students, Viktor Misan's *Stories on the History of Ukraine*, and A.K. Shchvidko's eighth-grade textbook, *History of Ukraine, 16-18th Centuries*, depicted Muslims in a negative light.

Some leaders within the Jewish community criticized President Yushchenko's decision to award Ukrainian Insurgent Army leader Roman Shukhevych posthumously the title "Hero of Ukraine." They asserted that he was involved in assisting Nazi German forces in massacring Ukrainian Jews during the Second World War.

Crimean Tatars claimed that discrimination by mainly ethnic Russian officials in Crimea deprived them of

employment in local administrations. They also alleged that propaganda campaigns, particularly by so-called Russian Cossacks, promoted hostility against them among other inhabitants of Crimea. In the case of incidents involving Crimean Tatars, in which ethnicity and religion are often inextricably linked, it is difficult to categorize many incidents specifically as ethnic or religious intolerance.

In July 2007 the chairman of the NGO Committee for Monitoring of Freedom of Speech in Crimea, Volodymyr Prytula, criticized the Ministry of Interior's public information center in Crimea for its periodic crime reports, which he claimed incited ethnic hatred.

Religious organizations, including members of the All-Ukraine Council of Churches and Religious Organizations, continued to complain that despite their repeated requests Parliament did not finalize the adoption of legislative amendments that would have given them the right to own or permanently use land plots. As a result they continued to pay commercial rates for renting the land on which places of worship and other religious buildings were located. They also complained that their organizations did not receive exemption from paying value-added taxes despite requests for a more favorable status.

The UOC-MP and UGCC expressed concern that the law provides no possibility for granting "legal entity" status to national religious associations. The lack of such status can complicate ownership claims of church properties when congregations change denominations. However, the UOC-KP did not see a need for the granting of legal entity status to religious organizations in future legislation.

On March 26, 2008, members of the All-Ukraine Council of Churches and Religious Organizations requested the President, Prime Minister, and the Speaker of Parliament to take action to amend the law on the 2008 state budget. According to the law, adopted on December 28, 2007, state and communal property could be transferred for rent to a religious organization only if the organization wins a bidding competition. The organizations asserted that because of their nonprofit status, they would have great difficulty competing in auctions with private businesses. The Institute of Religious Freedom noted that because of this restriction, some religious communities could no longer afford to rent their premises, and some had to vacate them. According to the Institute for Religious Freedom, local authorities in Donetsk used the situation to hinder efforts by the Evangelical Christian Church Word of Life to rent the Druzhba Sport Palace to host an international Christian conference. On June 3, 2008, Parliament lifted the auction requirement for religious organizations.

Members of numerous communities described difficulties in dealing with the municipal administrations in Kyiv and other large cities to obtain land and building permits or to rent office space. However, these problems were not limited to religious groups and in many cases could be attributed to financial reasons rather than bias against a particular religious community.

Some representatives of the Jewish community complained that the city of Kyiv allocated funds for building houses of worship only to Orthodox churches.

On April 15, 2008, the Union of Councils for Jews in the Former Soviet Union (UCSJ) in Lviv protested the construction of a hotel on the site of the city's former synagogue and surrounding buildings, the "Ture Zahav," destroyed by the Nazis in 1941. The UCSJ asserted that the only remaining historic buildings, the "Schechita" and "Mikva," were in danger of being destroyed despite their being on UNESCO's World Heritage List as part of the Lviv historic center.

On April 3, 2008, the Jewish community in Vinnytsya protested the construction of a residential building on the site of a former Jewish cemetery in the city. The construction company apparently ignored numerous human bones unearthed during excavation of the site and ceased working only after the city's mayor ordered a halt to the work, in response to appeals from the Jewish community. At the end of the reporting period, the Jewish community was negotiating with the city to implement the mayor's promise to rebury the human remains in keeping with Jewish traditions.

Leaders of the All-Ukrainian Pentecostal Union expressed concern over the continuing lack of support from the Kyiv Municipal Council in its efforts to obtain land in Kyiv to build its new headquarters and noted that the major Orthodox churches and the UGCC had been allotted land.

UOC-MP representatives in Lviv Oblast complained that the local governments in Stryi, Zhydachiv, Mykolayiv, and Pustomyty refused to allocate land for church construction. UOC-MP representatives in Ivano-Frankivsk Oblast stated that local authorities in Dolyna had not issued an approval to the parish of St. John the Baptist for the construction of a church.

The Spiritual Directorate of Muslims of Ukraine complained that although the municipal government of Kyiv designated burial space for Muslims in a city cemetery, Christian burials had occurred on the designated land plot and the Muslim community did not have adequate burial space.

UGCC representatives in Crimea complained that the Yalta Municipal Council refused to finalize the allocation of a land plot for the construction of what would be the only Greek Catholic church in the city.

Muslim representatives in Simferopol criticized the local city council for its refusal to allocate land for the construction of a new mosque.

The Religious Center of Jehovah's Witnesses in Ukraine complained that it was not allowed to build a house of worship in Zaporizhia despite a decision by the Zaporizhia Economic Court to overrule the city council's 2004 refusal to issue a building permit. According to Jehovah's Witnesses representatives, the property in question was later awarded to a private business.

Restitution of communal property confiscated by the Soviet regime remained a problem. The slow pace of restitution was partly a reflection of the country's budgetary situation, which limited funds available to relocate occupants of seized religious property. In addition, intracommunal competition for particular properties complicated restitution claims for the Christian, Jewish, and Muslim communities. The SCNR declared that the majority of buildings and objects had already been returned to religious organizations and that the return of many of the remaining properties for which restitution was being sought was complicated by the fact that they were occupied by state institutions, were historic landmarks, or had been transferred to private ownership. The SCNR stated that there was a lack of government funding to assist in relocating organizations occupying these buildings. The SCNR also noted that restitution claims frequently fall under the jurisdiction of local governments. On April 2, 2008, the Cabinet of Ministers instructed the SCNR to draft a law on restitution of religious property by November 2008.

On August 31, 2007, the Interagency Commission on Restitution of Property to Religious Organizations examined a list of more than 300 restitution cases. Some observers expressed concerns about the effectiveness and the transparency of its procedures. All major religious organizations called on the Government to establish a transparent legal process to address restitution claims. The All-Ukraine Council of Churches and Religious Organizations called on Parliament to impose a moratorium on the privatization of previously confiscated religious buildings in state and communal ownership, but Parliament did not adopt such legislation. The Government also noted that the slow rate of construction of new houses of worship could not match a steady 5 to 7 percent annual increase in the number of religious communities.

The Karaite community in Kyiv continued to demand the return of a "kenesa" building (place of worship), used as the "Actor's House" since Soviet times. According to the SCNR, the Kyiv Municipal Council had no intention of returning the property.

Representatives of the Religious Union for Progressive Jewish Congregations of Ukraine complained of continued property restitution difficulties with the Kharkiv and Kyiv municipal governments.

At the end of the period covered by this report, the Government had not transferred ownership of St. Nicholas' Cathedral and a former bishops' residence in Kyiv to the Roman Catholic Church. However, it permitted the Church to use the cathedral for daily morning Mass, on weekends, and during major religious holidays. Church representatives also expressed frustration about unrealized restitution claims of buildings formerly belonging to St. Oleksander's Church in Kyiv, which they stated were improperly privatized in the 1990s, as well as properties in Dnipropetrovsk, Lviv, Mykolayiv, Sevastopol, and Simferopol.

UGCC representatives said that authorities in Lviv had not returned premises adjacent to St. George's Cathedral in Lviv. Local officials declared that the Government did not have the money to resettle more than a

dozen families residing there since Soviet times.

Odesa's Presbyterian community claimed that it continued to have difficulties occupying its historic church building because local and regional courts continued to refuse to implement a higher court's decision to evict the actors' guild, which has occupied part of the building since Soviet times. In May 2008 the Presbyterian community requested that the European Court of Human Rights hear the case.

The UOC-MP and UOC-KP continued to be unable to resolve differences concerning the Holy Trinity Church in Rokhmaniv Village, Shumsk District, Ternopil Oblast, despite an August 2006 ruling by the High Administrative Court that the UOC-MP parish remain a legitimate user of the church. In November 2007 the Parliamentary Commissioner on Human Rights, Nina Karpachova, called on the President and senior law enforcement officials to bring to justice local government officials who failed to enforce the ruling. The chairman of the district state administration rejected Karpachova's claim that the local authorities had done little to settle the dispute.

The Yazlovets Village Council in Ternopil Oblast refused to implement the 2002 decision of the Ternopil Oblast State Administration to return ownership of a local Roman Catholic convent to the Roman Catholic Church.

According to Roman Catholic Bishop Bronislav Bernatsky, the Government continued to refuse to facilitate the restitution of Odesa's Roman Catholic seminary, which was confiscated by the Soviet regime.

Representatives of the Muslim community noted the slow pace of communal property restitution. Muslim community leaders complained in particular about unresolved restitution claims involving a 118-year-old mosque in Mykolayiv, a famed mosque in Dnipropetrovsk, a 150-year-old mosque in the Crimean town of Masandra, a mosque in Yalta, and the ruins of an 18th-century mosque in the Crimean coastal city of Alushta.

On October 24, 2007, the President instructed the Cabinet of Ministers to establish a legal mechanism to return Torah scrolls stored in the National Archives to Jewish religious organizations. In February 2007 the Zhytomyr Oblast Archives, with the approval of the National Archives, had ordered the seizure of the scrolls, which were to remain with the oblast archives until the Interagency Commission on Restitution decided on their final disposition. The SCNR supported the return of the scrolls to the Jewish community; however, legislation on returning the scrolls would be needed to ensure that they remained in the country as part of its cultural heritage and were not sold and transferred to another country. At the end of the reporting period, the majority of scrolls remained with the National Archives.

Abuses of Religious Freedom

The Missionary Evangelical Center Word of Life reported that on November 8, 2007, while police were enforcing a court order to evict it from an orphanage it operated in Kyiv, policemen threatened the center's representatives who were observing the eviction. An unidentified man accompanying the police put a pistol to the head of Oleksandr Kunets, one of the observers, and police later threatened them with a 7-year term of imprisonment if they publicized the incident.

On August 1, 2007, the All-Ukraine Union of Churches of Evangelical Pentecostal Christians reported that armed policemen raided a Pentecostal church in Yevpatoria during services. All male parishioners were ordered out of the building for an identity check as the police searched the premises. Church representatives expressed concern that the action represented a very dangerous and harmful trend. Later the Crimean police directorate apologized to the church and declared that the raid was part of its efforts to arrest a serial killer who had reportedly described himself as a Pentecostal church member.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including minor U.S. citizens who were abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United

States.

Improvements and Positive Developments in Respect for Religious Freedom

Members of the Kyiv Jewish community reported that on April 22, 2008, a court in Kirovohrad found a school teacher guilty of inciting ethnic hatred. The court determined that a 48-year-old Ukrainian language and literature teacher made anti-Semitic comments while teaching a class in 2005. According to representatives from the local Jewish community, he was subsequently amnestied under a provision for victims of the Chernobyl disaster in the 2005 Law on Amnesty. (Note: Convicts whose health was seriously affected by the Chernobyl disaster as well as participants in the 1986-87 cleanup operation at the Chernobyl nuclear power plant are among those eligible for such an amnesty.)

On March 12, 2008, the Cabinet of Ministers reinstated the SCNR's administrative control over oblast departments responsible for religious, nationalities, and ethnic affairs, which it would share with the oblast administrations. Prior to this, the oblast departments answered only to the oblast administration, leading to preferential treatment for the majority religion, according to some observers. The SCNR asserted that reinstating shared control of the local departments with oblast administrations would strengthen the oblast-level departments' independence from local political considerations and enable them to better defend the rights of minority religions at the local level.

In March 2008 Kyiv municipal authorities authorized the long-awaited construction of additions to the main mosque of the Spiritual Directorate of Muslims of Ukraine located in Kyiv.

In January 2008 the newly appointed Cabinet of Ministers adopted and submitted for parliamentary examination its Action Program pledging to develop relations with religious organizations, uphold the freedom of conscience, introduce effective legal mechanisms to regulate state-church relations, draft an updated version of the Law on the Freedom of Conscience and Religious Organizations, and improve religious property restitution procedures.

On September 24, 2007, the Cabinet of Ministers formed an interagency working group to draft legislation on the restitution of former houses of worship and other religious property to religious organizations. On November 1, 2007, President Yushchenko issued a decree instructing the Cabinet of Ministers to draft a law to limit the transfer of sacred cultural heritage monuments for their use by private individuals or legal entities, and he imposed a moratorium on such transfers of the monuments pending the completion of their list. On November 21, 2007, the Cabinet of Ministers approved the return of four former monastery buildings in Bohodukhiv, Kharkiv Oblast to the UOC-MP. Also in November, the Security Service of Ukraine (SBU) returned four Torah scrolls confiscated by the Soviet government to the Jewish community in Luhansk. On October 25, the Chernivtsi City Council adopted a resolution to return a synagogue to the local Jewish community.

The SCNR, together with the Ministry of Foreign Affairs, Ministry of Internal Affairs, State Border Guard Committee, State Customs Service, State Committee for Tourism, and other agencies, cooperated to support Jewish pilgrimages to the burial site in Uman of Rabbi Nakhman Tsadyk, founder of the Bratslav Hasidic movement. According to the media, more than 20,000 Hasidim traveled to Uman in September 2007.

Section III. Societal Abuses and Discrimination

There were a number of acts of violence against persons and property based on religious affiliation, belief, or practice.

On February 26, 2008, UOC-MP Hegumen Iliya, senior priest of St. Michael's Church in Bilostik Village, Volyn Oblast, was killed at his home near the church. Police detained a suspect, and the investigation continued at the end of the reporting period.

Anti-Semitic violence continued to be a problem and was part of an overall increase in violent hate crimes during the reporting period. According to the Jewish Telegraphic Agency, on April 10, 2008, one of every five hate crimes committed since January 2007 in the country was directed toward Jews.

On January 24, 2008, in Dnipropetrovsk, four men assaulted Rabbi Dov-Ber Baitman as he was returning home from a synagogue. During the assault they shouted anti-Semitic abuse. According to reports, on March 9, 2008, authorities identified the four attackers. There were no reports of further developments.

On October 31, 2007, a vandal set a mattress on fire near the door to a Jewish school in Kyiv. No students or staff members were injured, but the fire caused severe smoke damage to several classrooms. Law enforcement officials determined that an 11-year-old boy set the fire. School officials claimed that there had been several incidents of vandalism and anti-Semitic graffiti prior to the fire.

On September 29, 2007, in Cherkasy, the media reported that five or six youths attacked Israeli yeshiva student Josef Rafaelov and two other young Israeli Jews wearing traditional attire as they approached the city's synagogue. Police investigated the attack but made no arrests.

On September 28, 2007, in Sevastopol, the media reported that four men shouted anti-Semitic insults at Sevastopol's Chief Rabbi Benjamin Wolf and one of them hit the rabbi. On October 1, police arrested the person who injured the rabbi and charged him with hooliganism. The local Jewish community insisted that the suspect be charged with incitement of interethnic hatred. The investigation continued at the end of the reporting period.

In the latter half of 2007, police continued investigating several attacks against Jewish persons in Zhytomyr but had not made any arrests by the end of the reporting period. On September 27, 2007, an unidentified attacker sprayed a noxious gas into the face of Rabbi Menakhem Mendel Lichstein and fled. On August 6, 2007, Rabbi Nahum Tamrin and his wife Tzipora were attacked near the local synagogue; they required medical treatment for bruises and broken teeth. On July 9, 2007, three youths attempted to attack Zhytomyr's Chief Rabbi Shlomo Wilhelm when he was leaving the synagogue after a religious service. Before police arrived, the attackers tried to enter a dormitory for Jewish girls and also shouted anti-Semitic insults. City authorities increased police patrols near the synagogue, but the Jewish community remained concerned for its safety.

There were several incidents involving hate speech against Jewish persons and institutions as well as against other groups. On May 16, 2008, young persons representing the extremist nationalist groups UNA-UNSO and the National Labor Party of Ukraine gathered in front of the Russian embassy in Kyiv screaming anti-Semitic and anti-Russian slogans.

On March 13, 2008, unidentified persons placed dozens of posters accusing Jews of ritually murdering Christian children in the town of Sumy.

On December 8, 2007, a group of anti-Semites and racists held a torchlight procession through Kyiv. In full view of a group of police officers, the demonstrators defied laws against hate speech by chanting anti-Semitic and anti-immigrant slogans. The marchers were predominantly from the Svoboda (Freedom) party, headed by former parliamentarian Oleg Tyagnybok, and the "Patriot of Ukraine," an extremist group known for its intolerant views towards ethnic and religious minorities.

On August 27, 2007, the National and Labor Party of Ukraine, an unregistered political party, reportedly stated in a news release that "buying Israeli and kosher goods helps the Jews and Israelis conquer and destroy Ukraine's economy." An anti-Semitic caricature and anti-Semitic slogans were displayed on the party's website.

On several occasions since August 2007, a group calling itself the "Orthodox public organization of Odesa" reportedly distributed anti-Semitic pamphlets at Orthodox churches in Odesa calling for pogroms and the murder of Jews. The UOC-MP officially condemned the organization, stating that it acted without consent of the head of the diocese and that it misrepresented church dogma in an effort to incite interethnic hatred. On December 30, 2007, SBU agents detained a man for distributing the leaflets near an Orthodox church in Odesa; on February 6, 2008, the procuracy charged him with inciting racial, ethnic, and religious hatred under Article 161 of the Criminal Code.

Churches, synagogues, cemeteries, and memorials were vandalized on several occasions. On June 25, 2008,

two men vandalized the sanctuary and damaged icons at the Dormition Church of the UOC-MP's St. Nickolas Monastery in the Korop District, Chernihiv Oblast, and injured two monastery staff who tried to stop the desecration. One attacker was detained.

In early May 2008 unidentified individuals painted Nazi symbols and damaged gravestones at a cemetery in Sevastopol. On April 24, 2008, vandals destroyed 11 gravestones at a Jewish cemetery in Bolgrad, Odesa Oblast. In mid-April 2008 police detained three secondary school students who damaged more than 100 gravestones at 2 Christian cemeteries in Dobropillya, Donetsk Oblast.

In April 2008 and November 2007, vandals in Zhytomyr set fire to a cemetery memorial to prominent spiritual leader Rabbi Aharon and painted antireligious symbols on the walls of the memorial. Law enforcement agencies arrested two teenagers who claimed they made the fire to keep warm but it accidentally spread to the memorial.

In late March 2008 vandals destroyed a crucifix and painted graffiti on the Armenian Cathedral in Lviv. On March 3, 2008, unidentified vandals overturned a cross erected near the Holy Nativity Cathedral of the UOC-MP in Severodonetsk, Luhansk Oblast, in memory of victims of the Soviet-era famine. Also on March 3, unidentified individuals painted swastikas and wrote insulting slogans on the burial site of Rabbi Levi Itskhak and on several graves at the Jewish cemetery in Berdychiv, Zhytomyr Oblast. Police arrested a suspect, and in June 2008 a Berdychiv court gave the offender an 18-month suspended sentence for the desecration.

On February 10, 2008, unknown persons destroyed all 220 tombstones at a Muslim cemetery in Nyzhnyohirske, Crimea. The Crimean Tatar Mejlis issued a statement describing the desecration as a premeditated incident. Mejlis leaders declared that the attackers were emboldened by the lax attitude of the local police to previous cases of vandalism. Crimean police identified the offenders who painted satanist signs on gravestones at Muslim and Christian cemeteries in Marfivka village on January 21 and destroyed 124 gravestones at a Christian cemetery in Voykove village on January 24. Both villages are located in the Lenine District, Crimea. Police officials declared that the vandals were alcoholics who had neither religious nor ethnic motivation to commit that crime.

On January 28, 2008, swastikas and obscene words were discovered on windows and a fence outside and inside the yard of the Hesed building in Kryvyi Rih. On September 17, 2007, unknown vandals painted swastikas and anti-Semitic graffiti on a Holocaust memorial in Oleksandriya, Kirovohrad Oblast. On September 7, 2007, anti-Semitic insults were painted on walls of the ORT Jewish High School in Zaporizhya. On August 21, 2007, eggs and balloons of paint were thrown at Jewish posters in the city of Zaporizhzhya. On August 20, 2007, a young vandal smashed one of the windows of the old synagogue in Zhytomyr and fled the scene. On July 17, 2007, vandals painted a swastika on a synagogue in Zaporizhya. No suspects were detained.

On August 10, 2007, the Malynovsky District Court in Odesa found three men guilty of the February 2007 desecration of a memorial to Jewish Holocaust victims, a memorial plaque in honor of Jewish activist Leon Pinsker, and more than 300 tombstones at the Third Jewish cemetery in Odesa. The men were sentenced to 2 years' imprisonment, with one offender receiving a suspended sentence. The three individuals claimed they desecrated the monuments to see how the public would react. Police declared that none of the vandals belonged to extremist groups, although one of them said he was interested in Nazi literature. Due to the extent of the desecration, some observers believed that there may have been more perpetrators.

Anti-Semitic articles appeared frequently in small publications and irregular newsletters, although such articles rarely appeared in the national press. The Interregional Academy of Personnel Management (MAUP), which reportedly receives significant funding from several Middle Eastern government sources, remained the most persistent anti-Semitic presence. MAUP, a commuter college that claimed to have more than 50,000 students, published a monthly journal *Personnel* and a weekly newspaper *Personnel Plus*, which were the subjects of an ongoing criminal investigation by the Prosecutor General's Office.

According to the Association of Jewish Organization and Communities of Ukraine, from January to March 2008, national print media published 17 anti-Semitic items, compared to 147 in the third quarter and 75 in the fourth quarter of 2007. The association attributed the sharp decrease in the overall number of anti-Semitic material to MAUP's gradual curtailment of its anti-Semitic campaign. In previous years MAUP accounted for

nearly 90 percent of all anti-Semitic material published in the country's print media.

In March 2008 the Jewish Telegraphic Agency reported that the Supreme Court dismissed MAUP's lawsuit against the Jewish Confederation of Ukraine and its publication, *The Jewish Observer*, over articles written in 2006 about MAUP activities directed against the Jewish community and Zionism. Earlier, a lower court had rejected the original lawsuit, but subsequently the appeals court found in favor of MAUP. MAUP's suit against the mayor of Kyiv for his order in May 2007 to remove its bookstand near the Babyn Yar massacre memorial site was pending at the end of this reporting period.

On August 9, 2007, media sources reported that the Kyiv Court of Appeals upheld the Kyiv Economic Court's June 2007 decision to overrule the Ministry of Education's annulment of licenses for 26 MAUP regional affiliates and the withholding of nearly 5,000 diplomas. The diplomas were subsequently issued and regional affiliates remained open.

On July 2, 2007, after authorities closed a MAUP-owned kiosk near the Babyn Yar memorial for selling anti-Semitic literature, the MAUP school newspaper *Personnel Plus* published an anti-Semitic article comparing the Israeli Ambassador to the Nazis.

The UOC-KP and UAOC were unable to settle their dispute over the ownership of the St. George Church in Odesa resulting from the decision of an archpriest to change affiliation from the UOC-KP to the UAOC. On June 20, 2008, the Suvorovsky District Court in Odesa upheld a lawsuit filed by the UOC-KP's Odesa-based Bishop Yakiv against UAOC Archpriest Anatoliy Korin'kov and sentenced the defendant to 6 years' imprisonment on charges of fraud and "obstruction of UOC-KP divine services." UAOC representatives claimed the ruling was a human rights violation and an attempt by Bishop Yakiv to avenge the decision by the former UOC-KP archpriest to join the UAOC.

UOC-MP supporters in Chernihiv continued to protest against the April 2006 decision by the Chernihiv Oblast State Administration to transfer the St. Catherine Church, which had been used as a museum, to the UOC-KP. In June 2007 the Chernihiv Economic Court rejected the UOC-MP appeal against the transfer, after which the building was closed and locked. On April 1, 2008, unidentified attackers burned a temporary church erected by the UOC-MP at the site. Police investigated the incident as hooliganism.

The UGCC complained that in May 2008 UOC-MP representatives in Bila Tserkva attempted to prevent consecration of a cross on a site allocated for the construction of the UGCC's first church in the city. According to the UGCC, local UOC-MP supporters viewed the future church construction as an example of "Catholic expansion." Senior UOC-MP clerics told the UGCC that the protest had been held without approval from UOC-MP leadership.

The Government continued to promote interfaith understanding by frequently consulting with the All-Ukraine Council of Churches and Religious Organizations, which represents the religious groups of more than 90 percent of the religiously active population.

On April 17, 2008, the head of the SCNR held the first interagency working group meeting on the issue of counteracting xenophobia, interethnic, and racial intolerance.

On October 22, 2007, President Yushchenko, Acting Interior Minister Mykhailo Korniyenko, Acting SBU Chief Valentyn Nalyvaichenko, and Prosecutor-General Oleksandr Medvedko met with leaders of the Jewish community to discuss ways to counter manifestations of anti-Semitism. Yushchenko reiterated his condemnation of any manifestations of interethnic hatred. On October 23, the President's spokesperson announced the creation of a special unit of the SBU to combat xenophobia and acts inciting interethnic or religious hatred. On November 13, the Ministry of Foreign Affairs announced the establishment of the new post of special ambassador to combat racism, xenophobia, and discrimination.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government and religious leaders as part of its overall policy to promote human rights.

The U.S. Ambassador, U.S. other embassy officers, and officials in Washington maintained an ongoing dialogue with government and religious leaders and stayed in close contact with clerics, lay leaders in religious communities, and NGOs that promote religious freedom. The Embassy tracked developments in religious freedom and cultural heritage preservation, including the status of Jewish cemeteries in Uman and Volodymyr-Volynsky, and followed closely the rise in anti-Semitic incidents in Zhytomyr and cases involving discrimination against Tatars in Crimea. U.S. government officials raised concerns over religious freedom and anti-Semitism with the Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, Office of the Prosecutor General, Office of the Prime Minister, Presidential Secretariat, and local officials. The Ambassador and other senior U.S. officials, including the Special Envoy to Monitor and Combat Anti-Semitism, also raised concerns directly with the Ministry of Foreign Affairs, Cabinet of Ministers, Ministry of Science and Education, and the country's Embassy in Washington about the anti-Semitic teachings and publications of MAUP.

Embassy officers were actively engaged in monitoring issues involving religious intolerance and anti-Semitism. For example, the Embassy wrote the governor of Zhytomyr Oblast and mayor of Zhytomyr about the assaults on members of the Jewish community. Embassy representatives met with leaders of the Jewish community in Zhytomyr to hear their concerns and relayed them to local officials. The Embassy wrote the mayors of Cherkasy and Sevastopol to express concern over instances of anti-Semitic violence. The Ambassador and other embassy officers met with members of the Crimean Tatar community to hear their concerns.

Throughout the period covered by this report, the Ambassador raised the broader topics of communal property restitution and cultural heritage preservation in meetings and correspondence with government officials at the highest levels, including the President, Prime Minister, Foreign Minister, Justice Minister, and SCNR head. Embassy officials were in contact with Uman city officials and local Jewish leaders to track developments in the planned construction of a building in a residential area that could damage what remains of the city's historic Jewish cemetery. The Embassy met with the mayor of Vinnytsya and the local Jewish community to support their efforts to halt construction on the site of a historic Jewish cemetery, encouraging the city to grant it protection against development. The Embassy wrote the mayor of Lviv inquiring into complaints of construction of a hotel on the site of the city's former synagogue, destroyed during the Holocaust, and possible destruction of remaining historic buildings.

In a press release, the Embassy condemned the April 2008 desecration of the Muslim cemetery and monuments near Simferopol. In December 2007 the Embassy held a small grants competition on the theme of "Fighting Xenophobia and Promoting Ethnic Tolerance."

The Ambassador met with leaders of the Jewish and Islamic communities, and embassy officers met with religious leaders in Kyiv and Crimea to better understand the concerns of those communities. The Embassy hosted a dinner for leaders of the country's Jewish community to hear their views on the status of freedom of worship and societal discrimination.

Embassy officers continued to maintain close contact not only with clerics but also with lay leaders in religious communities and representatives of faith-based social service organizations, such as Caritas, the American-Jewish Joint Distribution Committee, and the National Conference on Soviet Jewry, that were active in the country. The Embassy continued to intervene as necessary to defend the right of foreign religious workers to due process under the law.

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